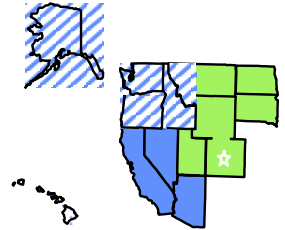




# US Army Environmental Center Western Regional Environmental Office REGION 9 –OCTOBER 2003 WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 9 area: Arizona, California, Hawaii and Nevada. We appreciate your feedback. Please contact the Western Regional Environmental Office, U.S. Custom House, 721 19<sup>th</sup> Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0954, or fax: (303) 844-0951.

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Past issues of the Regional Reviews are available at <http://aec.army.mil> under "Regional Offices."

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**PROPOSED RULE – MOBILE SOURCE REVISIONS TO REGIONAL HAZE RULE** – On 9 September 2003 (68 FR 53081), EPA announced a public hearing on a notice of proposed rulemaking (68 FR 39888) related to the mobile source provisions in 40 CFR 51.309 of EPA's regional haze rule. EPA published both a direct final rule and a concurrent notice of proposed rulemaking to amend and revise certain provisions of the regional haze rule in order to address an emissions projection scenario for mobile sources that was not addressed when EPA published the regional haze rule in 1999. The hearing will be held from 9 a.m. to 12 p.m. (MST) on 8 October 2003, at EPA-Region 8, 999 18th Street, 2nd Floor Conference Center-Columbine Room, Denver, CO. For further information, contact Kathy Kaufman, EPA at (919) 541-0102, or e-mail: [kaufman.kathy@epa.gov](mailto:kaufman.kathy@epa.gov).

**NOTICE OF AVAILABILITY – STATE 8-HOUR OZONE DESIGNATION RECOMMENDATIONS** – On 8 September 2003 (68 FR 52933), EPA gave notice that it had posted State and Tribal 8-hour Ozone Air Quality Designation Recommendations on the web as they have been received. The recommendations are available for public inspection at EPA's Web site at: <http://www.epa.gov/oar/oaqps/glo/designations/>. For further information, contact Sharon Reinders, EPA at (919) 541-5284.

#### WASTE INFORMATION:

**NOTICE OF AVAILABILITY – COMPENDIUM OF FEDERAL FACILITIES CLEANUP MANAGEMENT** – EPA's Federal Facilities Restoration and Reuse Office has produced this document. The compendium assembles all the major policy and guidance documents produced by EPA, DOD and DOE related to restoration of federal facilities. It contains three volumes: 1) Federal Facility Cleanup Response; 2) Base Realignment and Closure; and 3) Enforcement. The document is available at: <http://epa.gov/swerffrr/documents/ffcc.htm>.

**UPDATE – REMEDIATION AND CHARACTERIZATION INNOVATIVE TECHNOLOGIES** – EPA has updated its Remediation and Characterization Innovative Technologies (REACHIT) database to provide more current and accessible information on cleanup and characterization technologies. REACHIT provides data on technology applications that can be searched, downloaded, and printed, and is free to both technology providers and users. REACHIT was updated with more than 100 new technologies added, most of which address difficult remediation problems, including chlorinated solvents, fractured rock, and low-permeability clays. To access REACHIT, link: <http://www.epareachit.org>.

#### WATER INFORMATION:

**NOTICE OF AVAILABILITY – STRATEGY FOR WATER QUALITY STANDARDS AND CRITERIA** – EPA's Office of Science and Technology has released a document titled: "Strategy for Water Quality Standards and Criteria: Setting Priorities to Strengthen the Foundation for Protecting and restoring the Nation's Waters." This document outlines the priority strategic actions that EPA plans to

undertake over the next six years to strengthen the vital foundation for a wide range of programs under the Clean Water Act. The Strategy reflects an extensive review of water-related mandates; the results of over 50 listening sessions with over 350 people; and recommendations from the National Research Council, the General Accounting Office, and EPA's Inspector General. For more information, link: <http://www.epa.gov/waterscience/standards/strategy/>.



## GENERAL INFORMATION

**PROPOSED RULE – DOD MUNITIONS RESPONSE SITE PRIORITIZATION PROTOCOL** – On 22 August 2003 (68 FR 50899), DoD proposed a rule that establishes the Munitions Response Site Prioritization Protocol. The purpose of the Protocol is to assign a relative priority for munitions responses to each location in the inventory of munitions response sites known or suspected of containing unexploded ordnance, discarded military munitions, or munitions constituents. The Protocol evaluates the following potential explosive safety and environmental hazards: 1) explosive hazards posed by unexploded ordnance and discarded military munitions; 2) hazards associated with the effects of chemical warfare materiel; and 3) chronic health and environmental hazards posed by munitions constituents or other chemical constituents. The Protocol has three hazard evaluation modules, each of which is specific to one type of hazard. Comments are due by 20 November 2003. For further information, contact the Office of the Deputy Under Secretary of Defense at (703) 695-6107.

**GOVERNORS ADDRESS GLOBAL WARMING** – On 22 September, the Governors of California, Oregon and Washington issued a joint statement on state and regional activities to reduce global warming. The Governors agreed to "...address global warming with strategies that provide long-term sustainability for the environment, protect public health, consider social equity, and expand public awareness. Climate change prevention strategies that reduce combustion of fossil fuels and waste will also reduce emissions that cause smog, soot, haze and toxic air pollution. These strategies can help ensure adequate water supplies, preserve farm and forest uses, and reduce traffic congestion. Reducing greenhouse gas emissions will also provide significant dollar savings when health care costs and other environmental damages are factored in. We commit to pursue attainable climate change prevention strategies that provide these multiple benefits." The Governors have directed their staffs to work together during the next year to develop joint policy recommendations focused on activities that require regional cooperation and action and present them to the Governors no later than September 1, 2004. These measures should include recommendations on ways the west coast states can: 1) use the states' combined purchasing power to obtain fuel-efficient vehicles and low-rolling resistance tires for motor pool fleets; 2) reduce emissions from diesel fuel in transportation through reductions in the use of diesel generators in ships at west coast ports; 3) remove barriers to and encourage the development of renewable electricity generation resources and technologies; 4) improve efficiency standards with the potential to reduce greenhouse gas emissions; and 5) develop coordinated greenhouse gas emission inventories, protocols for standard reporting, and accounting methods for greenhouse gas emissions; and collaborate on improved scientific tools to more precisely measure the impact of climate change.

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## **UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS**

### **CERCLA ORIENTATION AND REMEDIAL INVESTIGATION/FEASIBILITY STUDY**

**14-16 October 2003 – Richland, Washington**

The Resource Training Institute (RTI) is offering this course for personnel that have little or no experience in the basic background and implementation of CERCLA. Participants are provided with an in-depth review of the Remedial Investigation/Feasibility Study (RI/FS) process as it applies to environmental restoration programs. Following an overview of the CERCLA Process, the course focuses on the RI/FS process and addresses site characterization, risk assessment, and remedy selection issues. Attention is also given to public involvement in the cleanup process. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

### **AMERICAN INDIAN CULTURAL COMMUNICATIONS COURSE**

**21-23 October 2003 – Buffalo, New York**

DoD is sponsoring this course at the Naval-Marine Corps Reserve Center. The course is designed to present DoD/American Indian/Alaska Native Policy and its implementation at installations. It will be taught primarily by American Indian trainers, with some segments taught by DoD and regional American Indian participants. The topics include: History of Indian Laws and Legal Base for DoD Policy, Federal Laws and Policies Impacting DoD Relationships with Indian Tribes, Introduction to Tribal Concepts and Culture, Cross-Cultural Communication, Strategies for Consulting with Tribes, and Skills for Managing Conflict. There is no registration fee for DoD/federal employees, including contractors. For more information or to register, contact Dr. Donata Renfrow at (678) 357-6513, or e-mail: [donata@mindspring.com](mailto:donata@mindspring.com).

### **APPLIED CLEAN AIR ACT**

**21-23 October 2003 – Las Vegas, Nevada**

**16-18 December 2003 – Orlando, Florida**

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

### **ENVIRONMENTAL LAWS AND REGULATIONS**

**21-23 October 2003 – Albuquerque, New Mexico**

**18-20 December 2003 – Richland, Washington**

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

### **BROWNFIELDS 2003 CONFERENCE**

**27-29 October 2003 – Portland, Oregon**

EPA is sponsoring this conference on brownfields cleanup and reuse. The conference will include panel sessions, mobile workshops, "Marketplace of Ideas" roundtable discussions, and individual poster presentations. For further information, link: <http://www.epa.gov/brownfields>.

**INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOP****27-29 October 2003 – Ft. Richardson, Alaska****3-5 November 2003 – Ft. Wainwright, Alaska****24-26 February 2004 – Seattle, Washington****27-29 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and use strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, link <http://chppm-www.apgea.army.mil/risk>.

**UXO BASIC TRAINING COURSE****28-29 October 2003 – Austin, Texas**

The Interstate Technology and Regulatory Council (ITRC) is co-sponsoring this course with EPA and the Texas Commission on Environmental Quality. This is an entry-level course designed to provide an overview of key environmental issues associated with ordnance and explosives cleanup. Participants will be introduced to basic terminology, munitions identification, safety concerns, regulatory requirements, conventional and innovative technology, site investigation, and site remediation. For more information or to register, contact Eileen O'Toole at (540) 557-6007, or link to the ITRC web site: <http://www.itrcweb.org>.

**LOW-IMPACT DEVELOPMENT WORKSHOP****28-30 October 2003 – Fort Lewis, Washington**

The Army Environmental Center and Fort Lewis are sponsoring this free workshop, which will examine administrative and policy-related aspects of implementing low-impact development in construction, renovation, and landscaping projects. The workshop will involve engineers, planners, and environmental managers in a practical site assessment and design exercise. For more information, call (253) 967-2326. To register, call (253) 966-1795.

**ENGAGING THE MEDIA WORKSHOPS****30-31 October 2003 – Ft. Richardson, Alaska****6-7 November 2003 – Ft. Wainwright, Alaska**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to provide participants with an understanding of the unique nature of the media, as well as hands-on practice of skills and tools to engage the media successfully. The workshop includes discussions on relating media communications to your strategic risk communication planning process, media culture, common traps, and the importance of non-verbal communication when dealing with the media. All participants will have the opportunity for on-camera practice and critique in a variety of situations, including non-crisis, crisis, "ambush," and panel interviews. For more information or to register, call (410) 436-8147, or link: <http://chppm-www.apgea.army.mil/>.

**HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE****4-6 November 2003 – Portsmouth, New Hampshire****24-26 February 2004 – Jacksonville, Florida****20-22 April 2004 – San Antonio, Texas****20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.



**“AN ORGANIZATIONAL GUIDE TO POLLUTION PREVENTION” WORKSHOP****4-6 November 2003 – Dallas, Texas****9-11 December 2003 – Philadelphia, Pennsylvania**

EPA is hosting this workshop to help organizations get P2 programs started or to reevaluate existing P2 programs. The guide presents an alternative method for working P2 projects and plans, and four approaches to implementing P2 and environmental planning within an organization. There is no registration fee for the workshop. For further information, visit the workshop website at:

[www.epa.gov/ttnrmrl/p2workshop.htm](http://www.epa.gov/ttnrmrl/p2workshop.htm).

**EMERGENCY PREPAREDNESS AND PREVENTION CONFERENCE****16-19 November 2003 – Norfolk, Virginia**

The theme of this EPA conference is “Stay the Course,” and will emphasize the importance of continued diligence and focus on emergency planning and preparedness efforts. The conference will include workshops, general sessions, networking opportunities, and an exhibit hall. For more information or to register, link: <http://www.2003conference.org>.

**NREP/INSTEP ANNUAL TECHNICAL CONFERENCE****17-21 November 2003 – Orlando, Florida**

The National Registry of Environmental Professionals and the International Society of Technical and Environmental Professionals are co-sponsoring this conference. The agenda includes certification preparatory workshops, technical papers, and special seminars for updating professional skills. For more information or to register, link: <http://www.nrep.org/conference/conference2.html>.

**CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES****2-3 December 2003 – Richland, Washington****17-18 February 2004 – Idaho Falls, Idaho**

RTI is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

**PARTNERS IN ENVIRONMENTAL TECHNOLOGY SYMPOSIUM****2-4 December 2003 – Washington, DC**

The Strategic Environmental Research and Development Program and the Environmental Security Certification Program are hosting this symposium and workshop with the theme: “Meeting DoD’s Environmental Challenges.” A major focus will be sustainability of military testing and training ranges. The symposium will offer 12 technical sessions that highlight proven technologies, as well as technologies needed to address emerging environmental challenges. For more information, link: <http://www.serdp.org/news/ESA4c.pdf>.

**CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT****5-8 January 2004 – New Orleans, Louisiana**

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. For more information, link: <http://www.battelle.org/rangecon>.

**ADVANCED RISK COMMUNICATION WORKSHOP****13-15 January 2004 – San Diego, California****2-5 August 2004 – Salt Lake City, Utah**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization’s mission. The workshop builds on the “Introductory Health Risk Communication Workshop”

listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of “hot” issues impacting military health and readiness. For more information or to register, call (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

### **NATURAL RESOURCES COMPLIANCE**

**27-30 January 2004 – San Antonio, Texas**

**22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

### **INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**

**16-18 March 2004 – New Orleans, Louisiana**

**17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

### **NATIONAL ENVIRONMENTAL ASSISTANCE SUMMIT**

**19-22 April 2004 – Baltimore, Maryland**

EPA has announced the merger of the National Pollution Prevention Roundtable Spring Conference and the National Compliance Assistance Providers Forum. This summit, titled “One Environment/One Conference,” will cover advances and innovations in environmental issues and solutions, pollution prevention, and compliance assistance programs, methods, technologies and environmental policies. For more information, call (202) 299-9701, or link: <http://www.p2.org/summit2004/>.

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## ARIZONA

### AIR INFORMATION:

**DIRECT FINAL RULE – ATTAINMENT OF CO STANDARDS IN PHOENIX** – On 22 September 2003 (68 FR 55008), EPA took direct final action to declare that the Phoenix metropolitan nonattainment area has attained the National Ambient Air Quality Standards for carbon monoxide (CO) by its Clean Air Act deadline of December 31, 2000. The Phoenix area has had no qualifying exceedances of the CO standard since 1996, and has six years of clean air quality data. This rule will be effective on 21 November 2003 unless EPA receives adverse comments by 22 October 2003. If EPA receives such comments, it will publish a timely withdrawal of the rule in the Federal Register and inform the public that the rule will not take effect. For further information, contact Wienke Tax, EPA at (520) 622-1622.

**PROPOSED REGULATION – AMENDMENTS TO OPEN BURNING AND PRESCRIBED BURNING RULES** – The Arizona Department of Environmental Quality (DEQ) has proposed amending Arizona's existing open burning and prescribed burning rules to make them conform to EPA regulations for states' Regional Haze State Implementation Plans. In addition, these amendments make changes to improve the rules' clarity, conciseness and understandability. Comments are due by 24 October 2003. For more information, contact Kevin Force at (602) 771-4480, or link: <http://www.sosaz.com/aar/2003/38/proposed.pdf>.

### WATER INFORMATION:

**PROPOSED REGULATION – UPDATE TO AZ POLLUTANT DISCHARGE ELIMINATION SYSTEM RULES** – The Arizona DEQ has proposed to update the Arizona Pollutant Discharge Elimination System (AZPDES) program rules to conform with updates to the National Pollutant Discharge Elimination System (NPDES) regulations. DEQ is obligated to make the rule changes within one year of the date that the federal regulations are promulgated or by 12 February 2004. In addition, the proposal updates the regulations that are incorporated by reference and makes minor changes to other parts of the rule. Comments are due by 14 October 2003. For more information, contact Shirley Conrad at (602) 771-4632, or link: <http://www.sosaz.com/aar/2003/37/proposed.pdf>.

### Legislative Developments

The 2003 legislative session began 12 January and ended 23 May. A summary of significant environmental bills that were passed and signed was included in the June Review. For more information on the legislative session, link <http://www.azleg.state.az.us>.





## CALIFORNIA

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### Regulatory Developments & Other State Information

**FINAL REGULATION – NOXIOUS WEED LIST** – The California Department of Food and Agriculture has added species to its noxious weed species list. The species include: (1) *Ailanthus altissima* (tree of heaven); (2) *Arundo donax* (giant reed); (3) *Centaurea melitensis* (tocalote); (4) *Cirsium vulgare* (bull thistle); (5) *Cortaderia jubata* (jubata grass); (6) *Senecio mikanioides* (cape ivy); (7) *Spartium junceum* (Spanish broom); and (8) *Tamarisk chinensis*, *gallica*, *parviflora*, and *ramosissima* (salt-cedar). The regulation was effective 11 September 2003. For more information, contact Barbara Haas at (916) 654-1017, or link: <http://pi.cdfa.ca.gov/weedinfo/sortbyrating2.htm>.

### AIR INFORMATION:

**FINAL RULE – APPROVAL OF SOUTH COAST SIP REVISION** – On 4 September 2003 (68 FR 52512), EPA finalized a conditional approval of revisions to the South Coast Air Quality Management District portion of the California State Implementation Plan (SIP). This action concerns oxides of nitrogen (NO<sub>x</sub>) and oxides of sulfur (SO<sub>x</sub>) emissions from facilities emitting 4 tons or more per year of these pollutants in 1990 or any subsequent year. Under authority of the Clean Air Act, this action approves local rules that regulate these emission sources and directs California to correct rule deficiencies. This rule was effective on 6 October 2003. For further information, contact Thomas Canaday, EPA at (415) 947-4121.

**DIRECT FINAL RULE – APPROVAL OF KERN COUNTY PM<sub>10</sub> SIP REVISION** – On 4 September 2003 (68 FR 52510), EPA took direct final action to approve revisions to the Kern County Air Pollution Control District portion of the California SIP. The revisions concern the emission of particulate matter (PM-10) from agricultural burning and prescribed burning. EPA is approving local rules that regulate these emissions sources under authority of the Clean Air Act. This rule will be effective on 3 November 2003 without further notice, unless EPA receives adverse comments by 6 October 2003. If EPA receives such comment, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Al Petersen, EPA at (415) 947-4118.

**DIRECT FINAL RULE – MONTEREY BAY AND SAN JOAQUIN VOC EMISSIONS** – On 16 September 2003 (68 FR 54167), EPA took direct final action to approve revisions to the San Joaquin Valley Unified Air Pollution Control District and the Monterey Bay Unified Air Pollution Control District portions of the California SIP. These revisions concern volatile organic compounds (VOC) emissions from organic solvents and industries coating glass products. EPA is approving local rules that regulate these emissions sources under authority of the Clean Air Act. This rule will be effective on 17 November 2003 without further notice, unless EPA receives adverse comments by 16 October 2003. If EPA receives such comment, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Cynthia Allen, EPA at (415) 947-4120.

**FINAL REGULATION – SAN DIEGO TITLE V PERMITS** – The San Diego County Air Pollution Control District has adopted amendments to its Title V air permitting program. The amendments: (1) raise the major source thresholds for VOC and NO<sub>x</sub> emissions from 50 to 100 tons per year consistent with EPA requirements for areas in attainment of the one-hour ozone ambient air quality standard; and (2) improve consistency with EPA regulations. The amendments were effective 13 August 2003. For more information, contact Michael Lake at (858) 650-4590, or link: <http://www.sdapcd.co-san-diego.ca.us/rules/rules/Reg4pdf/R60-1.pdf>.

**PROPOSED REGULATION – SOUTH COAST ARCHITECTURAL COATINGS** – The South Coast Air Quality Management District has proposed amendments to its regulation of VOC emissions from architectural coatings. These amendments will implement Phase III of Airborne Toxic Control Measure CTS-07, lower VOC limits in various coating categories, and seek emission reductions from clean-up solvents now exempt. The District's Governing Board has tentatively scheduled a public hearing on 7 November 2003 to consider the proposed rule amendments for adoption. For more information, contact Larry Bowen at (909) 396-2575.

### **WATER INFORMATION:**

**FINAL REGULATION – ELECTRONIC REPORTING FOR GROUNDWATER CLEANUP SITES** – The California Water Resources Control Board has adopted permanent regulations to require that laboratory and sample location information for cleanup sites be electronically submitted to the Board. The regulation also expands the types of information to be submitted electronically to include well construction, boring logs, and remediation effectiveness. The electronic reporting includes: (1) Spills, Leaks, Investigations, and Cleanup Program; (2) Above Ground Tank Program; (3) Department of Defense Program; and (4) Land Disposal Program. The Underground Storage Tank Program is already subject to electronic reporting requirements. The regulations were effective 30 August 2003. For more information, contact Hamid Foolad at (916) 341-5791, or link:

[http://www.swrcb.ca.gov/cwphome/ust/docs/ab2886/text\\_regs.html](http://www.swrcb.ca.gov/cwphome/ust/docs/ab2886/text_regs.html).

**PROPOSED REGULATION – WASTEWATER SYSTEM OPERATOR CERTIFICATION FEES** – The California Water Resources Control Board has proposed to adopt permanent regulations to replace emergency regulations (effective 11 March 2003) that increased fees for wastewater system operator certification. The regulations will increase: (1) certification fees (\$95 for Grade I operators up to \$190 for Grade V); (2) exam application fees (\$40 for Grade I operators up to \$80 for Grade V); (3) exam fees (\$40 for Grade I operators up to \$170 for Grade V; and (4) renewal fees (\$95 for Grade I operators up to \$190 for Grade V). Comments are due by 13 October 2003. The Board will hold a public hearing 20 October. For more information, contact Sue Horn at (916) 341-5067, or link:

<http://www.swrcb.ca.gov/agendas/2003/january/0122-03.doc>.

### **Legislative Developments**

**The 2003 legislative session began 7 January and ended 12 September. For more information on the legislative session, link <http://www.leginfo.ca.gov/index.html>.**

**CALIFORNIA AB 107 – WATER** - Appropriates \$23,000,000 to the East Bay Municipal Utility District to protect State, regional, and local drinking water systems from terrorist attacks or deliberate acts of destruction or degradation. Authorizes \$15,000,000 for water system security capital improvements and \$8,000,000 for the planning, design, and construction of an interagency water supply emergency project. Introduced 10 January 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Assemblywoman Ellen Corbett (D).

**CALIFORNIA AB 575 – TRANSPORTATION (WASTE)** - Requires a motor carrier in intrastate commerce that transports certain materials or substances, except hazardous materials, to ensure that the vehicle, or at least one vehicle in a combination of vehicles, is equipped with a remote or external device that enables a peace officer, the carrier, or driver to immediately disable the vehicle by one or more specific methods. Introduced 18 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Assemblyman John Dutra (D).

**CALIFORNIA AB 826 – PERCHLORATE** - Establishes a program to eliminate or significantly reduce perchlorate in the State's drinking water, and to ensure that the Department of Health Services sets regulatory drinking water standards for perchlorate that are as close to the corresponding public health goal as is economically and technically feasible. Introduced 20 February 2003. Passed Assembly 2 June. Passed Senate 9 September. Signed by Governor Gray Davis (D) 29 September. The sponsor is Assemblywoman Hannah-Beth Jackson (D).

**CALIFORNIA AB 1174 – ELECTRONIC WASTE** - Defines "electronic waste" for State programs that recycle plastic trash bags, plastic packaging containers, waste tires, newsprint, and other specified materials. Introduced 21 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Assemblyman Tim Leslie (R).

**CALIFORNIA AB 1247 – HAZARDOUS WASTE** - Requires the Department of Toxic Substances Control to allow the public a meaningful opportunity to comment upon a proposed hazardous waste facility closure and postclosure plan before the Department initially approves the plan and before the Department makes any significant changes to an approved plan. Authorizes the Department to approve the hazardous waste facility closure and postclosure plans by issuing a postclosure permit, issuing an enforceable order, or entering into an enforceable agreement. Introduced 21 February 2003. Passed Assembly 29 May. Passed Senate 21 July. Signed by Governor 3 September. The sponsor is Assemblyman Greg Aghazarian (R).

**CALIFORNIA AB 1248 – WASTE DISPOSAL** - Requires the State Water Resources Control Board and the California Regional Water Quality Control Board, as appropriate, to provide public notice and an opportunity to comment prior to issuance of waste discharge permits, dredged or fill material permits, and actions to enforce those requirements, including the issuance of time schedule orders and cleanup or abatement orders. Introduced 21 February 2003. Passed Assembly 2 June. Passed Senate 2 September. Sent to Governor 15 September. The sponsor is Assemblyman Greg Aghazarian (R).

**CALIFORNIA AB 1367 – HAZARDOUS WASTE** - Authorizes the Department of Toxic Substances Control to adopt alternative hazardous waste management regulations for hazardous waste management activities that meet specified criteria. Requires the Department to make specified findings and analysis, and to make that analysis available to the public before adopting those regulations. Introduced 21 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Assemblyman John Laird (D).

**CALIFORNIA AB 1468 – AIR QUALITY** - Requires each negative air machine in the State to be leak tested on the site of any asbestos abatement project that requires the removal of more than 100 square feet of asbestos prior to the commencement of the project. Introduced 21 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Assemblywoman Fran Pavley (D).

**CALIFORNIA AB 1541 – WATER QUALITY** - Classifies a failure to file certain technical or monitoring reports required by a California Regional Water Quality Control Board or the State Water Resources Control Board relating to the discharge of waste or dredged or fill material as a "serious violation." Introduced 21 February 2003. Passed Assembly 27 May. Passed Senate 5 September. Signed by Governor 29 September. The sponsor is Assemblywoman Cindy Montanez (D).

**CALIFORNIA AB 1699 – MERCURY** - Prohibits any person from disposing, or attempting to dispose of, a fluorescent lamp at a solid waste facility. Authorizes fluorescent lamp disposal or recycling at a hazardous waste facility that has been issued a hazardous waste facilities permit by the Department of Toxic Substances Control. Authorizes fluorescent lamp recycling in the same manner as that required for universal waste. Introduced 25 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is the Committee on Environmental Safety and Toxic Materials.

**CALIFORNIA AB 1700 – ENVIRONMENTAL RESTORATION** - Prohibits the State Controller and the Department of Finance from eliminating positions or expenditure authority, or imposing a hiring freeze or other personal services limitations, as specified, upon any non-General Fund program that provides oversight and related support of remediation and hazardous substance management at a military base. Introduced 25 February 2003. Passed Assembly 15 May. Passed Senate 4 September. Sent to Governor 24 September. The sponsor is the Committee on Environmental Safety and Toxic Materials.

**CALIFORNIA AB 1702 – UNDERGROUND STORAGE TANKS** - Revises the definition of unauthorized release to delete the exclusion for releases authorized by the State Water Resources Control Board or a regional board. Deletes the authorization to impose certain penalties and provides that both the owner and the operator of an underground tank are responsible for compliance with the requirements for an underground storage tank. Signed by Governor 7 July. The sponsor is the Committee on Environmental Safety and Toxic Materials.

**CALIFORNIA AB 1724 – PESTICIDES** - Authorizes the Director of Pesticide Regulation to levy a civil penalty against any person who possesses or uses any pesticide that is not registered pursuant to specified provisions, or for which registration has been suspended. Introduced 3 March 2003. Signed by Governor 11 September. The sponsor is the Assembly Agriculture Committee.

**CALIFORNIA ABX 1.10 – AIR QUALITY** - Authorizes the Air Resources Board to impose additional permit fees directly on nonvehicular sources within a district's jurisdiction. Authorizes the Board to require a district to collect those fees, to establish a system for direct collection of those fees by the Board, and to contract with any other State agency for the collection of those fees. Lowers the threshold emission level for the imposition of the permit fees on nonvehicular sources by requiring those fees to be collected from nonvehicular sources that are authorized by the district to emit 250 tons or more per year of any nonattainment pollutant or its precursors. Introduced 23 January 2003. Passed Assembly 28 January. Passed Senate 3 February. Signed by Governor 18 March. The sponsor is Assemblywoman Jenny Oropeza (D).

**CALIFORNIA SB 18 – LAND USE** - Clarifies changes to existing law that authorize the Native American Heritage Commission to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property. Introduced 3 December 2002. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Senator John Burton (D).

**CALIFORNIA SB 20 – ELECTRONIC WASTE** - States legislative intent to ensure that funds are available to assist cities, counties, and recyclers of electronic wastes in developing programs to safely collect and recycle the hazardous materials contained in electronic wastes, and to promote the refurbishment and reuse of electronic equipment for use by schools and nonprofit agencies. Introduced 2 December 2002. Passed Senate 4 June. Passed Assembly 11 September. Senate concurred in Assembly amendments 12 September. Signed by Governor 24 September. The sponsor is Senator Byron Sher (D).

**CALIFORNIA SB 56 – FLOOD CONTROL** - Adopts and authorizes the upstream and downstream portions of the Murrieta Creek Flood Control Project in Riverside County. Requires the Riverside County Flood Control and Water Conservation District to carry out the project and to give assurances of local cooperation to the Secretary of the Army, thereby imposing a State-mandated local program. Introduced 14 January 2003. Passed Senate 8 September. Sent to Governor 15 September. The sponsor is Senator Dennis Hollingsworth (R).

**CALIFORNIA SB 201 – RADIATION** - Repeals the Radiation Control Law and enacts the Radioactive Materials Management Act, which would transfer the authority of the State Department of Health Services to the Department of Toxic Substances Control. Introduced 13 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Senator Gloria Romero (D).

**CALIFORNIA SB 216 – ENDANGERED SPECIES** – Extends the repeal date (to 1 January 2009) for existing law that requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the Greater Sandhill Crane and authorizes the Fish and Game Commission, based on recommendations from the Department, to identify four additional candidate, threatened, or endangered species for which the Department will develop and implement a recovery strategy. Introduced 13 February 2003. Passed Senate 4 June. Passed Assembly 10 September. Sent to Governor 17 September. The sponsor is Senator Byron Sher (D).

**CALIFORNIA SB 311 – DRINKING WATER** - Permits any person to request an external scientific peer review prior to a risk assessment only if the Office of Environmental Health Hazard Assessment has not submitted the assessment to an external scientific peer review. Introduced 19 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Senator Byron D. Sher (D).

**CALIFORNIA SB 543 – GROUNDWATER** - Authorizes the Water Resources Control Board to file actions to prevent the impairment of rights to groundwater. Introduced 19 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Senator Mike Machado (D).

**CALIFORNIA SB 656 – AIR QUALITY** - Requires the State Air Resources Board to identify all readily available, feasible and cost-effective control measures that could be employed by the Board and the districts to reduce emissions of PM 10 and PM 2.5 from new and existing stationary and area sources. Requires the Board, together with the districts, to identify all readily available, feasible and cost-effective measures that could be employed by the Board and local air districts to reduce PM 10 and PM 2.5 from diesel-powered engines in stationary and mobile applications. Introduced 21 February 2003. Passed Senate 4 June. Passed Assembly September 4. Senate concurred in Assembly amendments 9 September. Sent to Governor 11 September. The sponsor is Senator Byron D. Sher (D).

**CALIFORNIA SB 807 – AIR QUALITY** - Amends existing law by: (1) granting air pollution control districts and air quality management districts the primary responsibility for the control of air pollution from all sources other than vehicular sources, and (2) requiring districts to adopt and enforce rules and regulations to achieve and maintain the State and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction. Introduced 21 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Senator Jeffrey Denham (R).

**CALIFORNIA SB 922 - DRINKING WATER** - Requires the State Water Resources Control Board or a regional board, in any cleanup or abatement order issued to a discharger that has contaminated a drinking water supply or potential drinking water supply to require the discharger to calculate the amount of water contaminated, calculate the cost of providing replacement water, calculate water replacement quantities to be provided to each affected public water supplier, to provide, or pay for, uninterrupted replacement water service to each affected public water supplier, and to report to that supplier the methods by which the discharger is complying with the cleanup or abatement order. Introduced 21 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Senator Nell Soto (D).

**CALIFORNIA SB 926 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES** - Changes the name of the Office of Military Base Retention to the Office of Military Base Support. Authorizes the Office to seek private funds for the operations of the Office. Introduced 21 February 2003. Died upon adjournment 12 September. Carries over to 2004 session. The sponsor is Senator William Knight (R).

**CALIFORNIA SB 1004 – WATER QUALITY** - Requires a person who causes or permits perchlorate discharges to any waters of the State to immediately notify the State Water Resources Control Board. Makes a person who fails to provide that notice guilty of a misdemeanor that is punishable by a fine of not less than \$500, or more than \$5,000, for each day of failure to notify. Introduced 21 February 2003. Passed Senate 4 June. Passed Assembly 11 September. Signed by Governor 29 September. The sponsor is Senator Nell Soto (D).

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## HAWAII

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### Regulatory Developments & Other State Information

No significant regulatory activity to report.

### Legislative Developments

The 2003 legislative session began 15 January and ended 1 May. A summary of significant environmental legislation that was enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.capitol.hawaii.gov/sessioncurrent/bills>.





## NEVADA

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### AIR INFORMATION:

**DIRECT FINAL RULE – APPROVAL OF CLARK COUNTY PM10 SIP REVISION** – On 8 September 2003 (68 FR 52838), EPA took direct final action to approve revisions to the Clark County Air Quality Management Board portion of the Nevada State Implementation Plan (SIP). The revisions concern the emissions of particulate matter (PM-10) from residential wood combustion. EPA is approving the local rules (building code provisions) that regulate this emission source under the Clean Air Act. This rule is effective on 7 November 2003 without further notice, unless EPA receives adverse comments by 8 October 2003. If EPA receives such comments, it will publish a timely withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Al Petersen, EPA at (415) 947-4118.

**NOTICE OF PARTIAL DELEGATION – PSD PERMIT PROGRAM** – On 8 September 2003 (68 FR 52837), EPA informed interested parties that, by a Delegation Agreement dated 3 June 2003, the Air Division Director of EPA Region 9 has implemented a partial delegation of authority to issue Federal Prevention of Significant Deterioration (PSD) permits to the Nevada Division of Environmental Protection. The Delegation Agreement was effective 3 June 2003. For further information, contact Gerardo Rios, EPA at (415) 972-3974.

### Legislative Developments

The 2003 legislative session began 3 February and ended 2 June. A summary of significant environmental bills that were enacted and signed was included in the July Review. For more information on the legislative session, link <http://www.leg.state.nv.us/>.

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